IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Johannes Ruetschi	)	
	)	
Serial No.: 10/812,553	)	Group Art Unit: 2617
	)	
Filed: March 30, 2004	)	Examiner: Matthew C. Sams
	)	
Title: PRESENCE BASED SYSTEM	)	
PROVIDING IDENTITY CONTEXT	)	
REMINDERS	)	
	)	
	)	

Mail Stop **APPEAL BRIEF – PATENTS**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR §41.37(a)

Having timely filed a Notice of Appeal, dated October 29, 2010, appellant is filing this Appeal Brief responsive to a ninth Office Action, dated July 29, 2010 pursuant to 37 C.F.R. §41.134(a). A single copy of this brief is provided pursuant to 37 C.F.R. §41.37(a) with the requisite fee for filing the Appeal Brief. While no additional fees are believed necessary for filing this Appeal Brief, the Commissioner is further authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 50-3818.

I.   Real Party in Interest:

Siemens Communications, Inc. is the real party in interest in the above referenced patent application.

II.   Related Appeals and Interferences:

The appellant is aware of no other appeals or interferences that will directly affect or have a bearing on this appeal.

III.   Status of The Claims:

Claims 1 – 26 remain in the application stand rejected, are under appeal herein and are appended in a "Claims Appendix" attached hereto.

IV.   Status of Amendments:

All amendments are reflected in the appended figures and claims.

V.   Summary of The Claimed Subject Matter:

Independent Claim 1

The invention, as recited by claim 1, is a communications system 100. *See, e.g.*, page 3, line 31 – page 6, line 4 of the application with reference to Figure 1, a copy of which is included as Exhibit A in the Evidence Appendix of this Appeal Brief. The communications system 100 includes communications devices 102, 104, 106, 108, 110, 112 communicating with each other over a network. *Id*, page 4, lines 4 – 6. The network includes a telephone network 122, 124 and a local area network (LAN) 120. *Id*, lines 23 – 27. A first group of communications devices 102, 104 are connected to the LAN 120, lines 29 – 31. A second group 106, 108, 110, 112 are connected to the telephone network 122, 124. *Id*. Storage, e.g., in server 114 on the LAN 120 stores location and presence information about system users. *Id*, lines 8 – 21. Each of the communications devices 102, 104, 106, 108, 110, 112 is identifiable with at least one system user. Further, system users may be associated with more than one communications device 102, 104, 106, 108, 110, 112. *Id*, page 5, lines 1 – 17. An identity context reminder service 116 monitors the communications devices 102, 104, 106, 108, 110, 112 for current location and presence status for associated users. *Id*, lines 5 – 11. The identity context reminder service 116 compares the current location and presence status for associated users for inconsistencies with an expected location and presence from stored location and presence information. *Id*, lines 11 – 19. For users associated with multiple devices 102, 104, 106, 108, 110, 112, the identity context reminder service 116 monitors the associated devices (e.g., 102, 108) for inconsistencies in any one. *Id*. Inconsistencies may be indicated by a system user being at a communications device (e.g., 110) other than one with which the user is associated. *Id*. The identity context reminder service 116 selectively responds to an inconsistency by providing a reminder to a respective user through a respective communications device 110.

Dependent Claim 11

As recited by claim 11, a rules based engine located on a server 114 with the storage monitors user current location and presence status. *See, e.g.*, page 4, lines 12 – 13.

Independent Claim 12

The invention, as recited by claim 12, is a method 140 of maintaining location and presence status current in a communications system 100 of networked communications devices 102, 104, 106, 108, 110, 112, at least one connected to a LAN 120 and at least one other device is connected to a telephone network 122, 124 connected to the LAN 120. *Supra, and see, e.g.*, page 6, lines 4 – 28 of the application with reference to Figure 2, a copy of which is included as Exhibit B in the Evidence Appendix of this Appeal Brief. Provided 142 location and presence information is stored 144 for a user identified with one or more networked communications devices 102, 104, 106, 108, 110, 112. *Id*, lines 4 – 7. Users may be associated with more than one communications device 102, 104, 106, 108, 110, 112. *Id*. An identity context reminder service 116 retrieves 146 stored location and presence status and monitors 148 the communications devices 102, 104, 106, 108, 110, 112 for current location and presence status for system users. *Id*, lines 7 – 14. For any user associated with more than one communications devices (e.g., 104, 106, 112), the identity context reminder service 116 monitors 148 multiple associated devices 104, 106, 112. Current location and presence status is compared 150 to stored said location and presence information to identify user location and presence inconsistencies. *Id*, lines 14 – 20. Inconsistencies can include a system user indicated as being at a communications device (e.g., 102) other than an associated one 104, 106, 112. A notification is sent 152 to an identified user at a corresponding communications device 102. *Id*, lines 20 – 22.

Dependent Claim 14

As recited by claim 14, users may respond to the notification 152 by updating stored location and presence information 154. *See, e.g.*, page 6, lines 24 – 26.

Independent Claim 16

The invention, as recited by claim 16, is a computer program product for sharing user location and presence status amongst users identified with networked communications devices 102, 104, 106, 108, 110, 112 in a communications system 100. *See, e.g.*, page 3, line 31 – page 6, line 2 and Figure 1, Exhibit A. The computer program product includes computer program code means 144 for storing user location and presence information. *Id, and see, e.g.*, page 6, lines 4 – 28 and Figure 2, Exhibit B. Also included is means for monitoring 116 the user communications devices 102, 104, 106, 108, 110, 112, which are connected to a telephone network 122, 124 and/or a Local Area Network (LAN) 120. *Id*. The devices 102, 104, 106, 108, 110, 112 are monitored 148 for current location and presence status for the associated users. *Id*. User may be associated with more than one communications device 102, 104, 106, 108, 110, 112, all of which are monitored 148 for current user location and presence status. *Id*. Computer program code means also is included for identifying inconsistencies 116 between stored 144 (i.e., expected) user location and presence information and current user location and presence status. *Id*. Also computer program code means is included for providing notification 152 of an identified inconsistency to a corresponding user communications device associated. *Id*. Inconsistencies include a system user being at a communications device other than an associated one. *Id*.

Independent Claim 20

The invention, as recited by claim 20, is a computer program product for managing user location and presence status amongst communications system 100 users identified with networked communications devices 102, 104, 106, 108, 110, 112. *See, e.g.*, page 3, line 31 – page 6, line 28 and Figures 1 and 2, Exhibits A and B. The computer program product includes computer program code means 120 for providing current user location and presence status to a location context reminder service 116. *Id*. Users may be associated with more than one communications device 102, 104, 106, 108, 110, 112. *Id*. Each communications device 102, 104, 106, 108, 110, 112 provides device location and indicates user presence as current user

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location and presence status to the communications system 100. *Id*. Each device 102, 104, 106, 108, 110, 112 provides current device location that may indicate user presence to the identity context reminder service 116. *Id*. The computer program product also includes means 116 for indicating receipt of reminders that indicate inconsistencies between expected and actual current user location and presence status. *Id*. Inconsistencies can include a user being at a communications device (e.g., 110) other than an associated device (e.g., 102, 108). *Id*. The computer program product allows for providing user location and presence information updates to the location context reminder service 116. *Id*.

Independent Claim 24

The invention, as recited by claim 24, is a non-transitory computer-readable medium with instructions 140 that cause a processor to maintain location and presence status current in a communications system 100 of networked communications devices 102, 104, 106, 108, 110, 112. *See, e.g.*, page 3, line 31 – page 6, line 28 and Figures 1 and 2, Exhibits A and B. Provided 142 location and presence information is stored 144 for a user identified with one or more networked communications devices 102, 104, 106, 108, 110, 112. *Id*, lines 4 – 7. Users may be associated with more than one communications device 102, 104, 106, 108, 110, 112, with at least one connected to a LAN 120 and at least one other device is connected to a telephone network 122, 124 connected to the LAN 120. *Id*. An identity context reminder service 116 retrieves 146 stored location and presence status and monitors 148 the communications devices 102, 104, 106, 108, 110, 112 for current location and presence status for system users. *Id*, lines 7 – 14. For any user associated with more than one communications devices (e.g., 104, 106, 112), the identity context reminder service 116 monitors 148 multiple associated devices 104, 106, 112. Current location and presence status is compared 150 to stored said location and presence information to identify user location and presence inconsistencies. *Id*, lines 14 – 20. Inconsistencies can include a system user indicated as being at a communications device (e.g., 102) other than an associated one 104, 106, 112. A notification is sent 152 to an identified user at a corresponding communications device 102. *Id*, lines 20 – 22.

VI.   Grounds of Rejection to Be Reviewed on Appeal:

Claims 1, 2, 4 – 12, 14 – 18, 20 – 22, 24 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,484,033 to Murray and U.S. Patent No. 7,039,420 to Koskinen et al. in combination with U.S. Patent No. 7,606,936 to Mousseau et al.

Claims 3, 13, 19, 23 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Murray, Koskinen et al. and Mousseau et al., in combination with U.S. Patent No. 6,167,122 to Titmuss.

VII. Argument:

Claims 1, 2, 4 – 12, 14 – 18, 20 – 22, 24 and 26

The combination Murray, Koskinen et al. and Mousseau et al., fails to result in the present invention; even if Murray, Koskinen et al. and Mousseau et al. teach what they are asserted to teach, the combination of the asserted teachings fails to result in the present invention; and, therefore, the combination of Murray, Koskinen et al. and Mousseau et al. fails to make the present invention obvious under 35 U.S.C. §103(a).

"[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.[1]" Furthermore, "[i]t is the **use** of the words **in the context of the written description** and customarily by those skilled in the relevant art **that accurately reflects both the 'ordinary' and the 'customary' meaning** of the terms in the claims.[2]" Moreover, even if the references teach all of the elements of the invention, "[i]f the proposed modification or combination of the prior art would **change the principle of operation** of the prior art invention being modified, then the teachings of the references are **not sufficient** to render the claims *prima facie* obvious.[3]"

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[1] *Phillips v. AWH Corp.*, *>415 F.3d 1303, 1313<, 75 USPQ2d 1321>, 1326< (Fed. Cir. 2005) (*en banc*, emphasis added). *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003)("In the absence of an express **intent to impart a novel meaning** to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art."); and see, MPEP 2111.01.

[2] *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003, emphasis added) (Dictionary definitions were used to determine the ordinary and customary meaning of the words "normal" and "predetermine" to those skilled in the art. In construing claim terms, the general **meanings gleaned from reference sources**, such as dictionaries, must always be compared against the use of the terms in context, and **the intrinsic record must always be consulted to identify which of the different possible dictionary meanings** is most consistent with the use of the words by the inventor.); and see, MPEP 2111.01.

[3] *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Murray, relied onto substantially teach the invention[4], teaches a wireless communications system 10 for location based schedule management with a server event management application 82 running on an application server 76 managing user schedules for device users[5]. Murray also teaches wireless communications devices 32, 42, 47 that include GPS capability 79 handling scheduling decisions[6]. The Murray application server 76 monitors stored event information and only the occurrence of a scheduled upcoming event (i.e., in anticipation of the event or the actual occurrence of the event) causes action by the Murray application server 76[7]. The application server 76 takes no action[8] until after a scheduled event time passes. Between events, however, the device user 68 can be using other devices, traveling to distant locations, even out of the country, unnoticed and unprodded by the Murray application server 76. As long as the device user 68 is in the correct location when the event occurs, Murray does not send an update message, and "the process proceeds to Step 168.[9]" Further, Murray tracks device 32, 42, 47 location and reminds the users of an upcoming event well in advance by considering the location of the device, i.e. the user, and the location of the event.

> Murray differs from the claimed invention by not explicitly reciting the network includes a local area network (LAN) with a first group of the plurality of communication devices being connected to said LAN, the storage being located on the LAN, and each one of said **associated users are associated with more than one** of said plurality of communications **devices**, wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.[10]

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[4] Office Action, mailed July 29, 2010 (hereinafter "Rejection"), #6, pages 2 – 3, 7, 8, 10, 11, 13 and 14.

[5] Murray, col. 6, lines 15 – 17; *and see*, claim 1.

[6] *Id*, lines 44 – 48, and see, col. 6, line 48 – col. 8, line 60 with reference to Figures 2 and 3, copies of which are included as Exhibits C and D in the Evidence Appendix of this Appeal Brief.

[7] *Id*, col. 10, lines 38 – 46 ("in Step 166, the event information 120 and current location 122 of the wireless communication device 32 are compared to the event criteria parameters 129. This comparison is done by the server event management application 82. When the event information 120 and the current location 122 do not match the event criteria parameters 129 in Step 166, the process ends.").

[8] *Id*, lines 59 – 65 ("Additionally, an update message 36 can be sent to the wireless communication device 32 to indicate to the device user 68, via the alert circuit 102 and/or display 104, that a match has occurred in Step 166, and that the device user 68 is possibly in a location too far from the upcoming event to allow the device user 68 to attend.").

[9] *Id*, line 46; *see also*, col. 11, lines 1 – 43.

[10] Rejection, #6, page 3; and see pages 8, 11 and 13 (emphasis added).

For this the Rejection turns to Koskinen et al. [11] Specifically, the Rejection asserts that Koskinen et al. teaches the recited "identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 i.e. if **anyone of the devices** is not where it should be, the reminder is sent)[12]." It appears that the assertion is that "anyone of the devices[13]" implies multiple devices being associated with one user. Appellant avers that it actually refers indiscriminately to all of the devices monitored by the Koskinen et al. system.

Koskinen et al. also is related to location specific actions and is directed "to a method for activating actions.[14]" The devices are GPS enabled mobile device 9[15]. Typically, one would not be inclined to have multiple associated GPS enabled devices connected to the Koskinen et al. system 1. Neither does Koskinen et al. teach or suggests this.

Koskinen et al. teaches instead, that when the location of a GPS enabled mobile device 9 corresponds to a location assigned to a specific action that action takes place. (Even if one were to have multiple connected associated devices, they would all be in the same place at the same time, i.e., with the user and increasing the number of devices adds nothing.) Thus, "the user can enter data about location-specific actions such as reminders which can be supplemented with time data. The action can thus be restricted to apply to a given time (time range) only.[16]" Koskinen et al. provides a number of selectable conditions precedent for taking action. So, Koskinen et al. claim 6 recites "**if the conditions** for activating the action **are met** in one portable device from said set of portable devices, the action is activated.[17]" Thus, Koskinen et al. teaches (and claims) taking action in response to a consistency in what is expected, i.e., complying with the conditions for activating. However, "if the conditions for activating the

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[11] *Id*, pages 4, 8, 12 and 13.

[12] *Id* (emphasis added).

[13] *Id* (emphasis added).

[14] Koskinen et al., Abstract, lines 1 – 2.

[15] *Id*, col. 4, line 49 – col. 5, lines 2 and 32 – 51 with reference to Figure 1 and 3, copies of which are included as Exhibits E and F in the Evidence Appendix of this Appeal Brief.

[16] *Id*, col. 3, lines 5 – 9.

[17] *Id*, col. 14, lines 41 – 43 (emphasis added).

action **are not met** within said validity time, the action data is deleted **after the expiry** of said validity time.[18]" Koskinen et al. fails to mention users' presence state or detecting inconsistencies.

Mousseau et al., which is also related to location based applications, is relied on at col. 5, line 49 – col. 6, line 8, lines 40 – 47 and lines 58 – 64[19] solely to teach that indicated inconsistencies include a user being at a device other than one at which the user is associated. Specifically, the Rejection notes that "Murray in view of Koskinen differs from the claimed invention by not explicitly reciting the **inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one.**[20]" Thus, the Rejection asserts that "Mousseau teaches a method and apparatus for information notification (Col. 5 lines 49-63) based on the user's schedule (Col. 5 line 51), a device's location (Col. 6 lines 40-47) and by the location of the user. (Col. 6 lines 58-64 see also for reference, Col. 5 line 64 through Col. 6 line 8)[21]."

Even if appellant was to accept that Mousseau et al. teaches what the Rejection asserts that Mousseau et al. teaches; the assertion is not that Mousseau et al. teaches "inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one.[22]" Therefore, the combination of Murray, Koskinen et al. and Mousseau et al. fails to teach, suggest or result in the present invention, as recited in claims 1, 12, 16, 20 and/or 24 or any claims depending therefrom.

Moreover, Mousseau et al. specifically teaches "redirecting data to a mobile device having a long-range RF transceiver and a short-range RF transceiver [depending on] whether the mobile device is in physical proximity [to connect] to the short-range RF network, … and if not,

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[18] *Id*, col. 4, lines 6 – 10; *and see*, claim 5, col. 14, lines 45 – 48 (emphasis added); claim 14, col. 15, lines 31 – 33.
[19] Rejection, #6, pages 4, 9, 12 and 13.
[20] *Id* (emphasis added).
[21] *Id*.
[22] *Supra*.

redirects data to the mobile device via the long-range RF network.[23]" Thus, Figure 1 "shows two

possible communication paths for redirecting the data items to the mobile device 100. In a first

path, the redirector application 130 is in communication with the mobile device 100 via a long-

range wireless network comprising a wide area network 135, a wireless gateway 145, and a

wireless network 150.[24]" Further, Figure 2 "is similar to FIG. 1, except that the network server

implementation enables a single redirector application 130 to service a plurality of users by

receiving data items from a plurality of sources and then by redirecting those data items to a

plurality of users.[25]" Mousseau et al. describes Figures 1 and 2 in detail at col. 3, line 13 – col. 7,

line 48. Thus, the Mousseau et al. description relied upon in the Rejection is concerned with

Figures 1 and 2.

That specific portion of the Mousseau et al. description relied on describes how a user

can select items for redirection, how and where those items are redirected, and what triggers

those redirections, internally and externally.[26] Mousseau et al. provides specific examples of

external triggers, including

> receiving a message from the user's mobile data communication device to begin
> redirection; receiving a similar message from some external computer; sensing
> that the user is no longer in the vicinity of the desktop computer via the short-
> range RF link to the cradle; or any other event that is external to the host system.
> Internal events could be a calendar alarm, screen saver activation, keyboard
> timeout, programmable timer, or any other user-defined event that is internal to
> the desktop computer. Networked events are user-defined messages that are
> transmitted to the host system from another computer coupled to the host system
> via a network to initiate redirection.[27]

Other than identifying where the user is not, i.e., "sensing that the user is no longer in the vicinity

of the desktop computer via the short-range RF link to the cradle;[28]" there is nothing in here that

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[23] Mousseau et al., Abstract, lines 1 – 7.

[24] *Id*, col. 3, lines 21 – 27 with reference to Figure 1, a copy of which is included as Exhibit F in the Evidence
Appendix of this Appeal Brief.

[25] *Id*, col. 4, lines 1 – 7 with reference to Figure 2, a copy of which is included as Exhibit G in the Evidence
Appendix of this Appeal Brief.

[26] *Id*, col. 5, lines 49 – 63.

[27] *Id*, col. 5, line 64 – col. 6, line 8.

[28] *Id*.

has anything to do with the user's presence status, detected inconsistencies, a reminder sent to

the user as a result of the user being at a device that is not associated with the user.

> The systems shown in FIGS. 1-2 preferably operate as follows. As data items 95 reach the desktop 120 (or network server 225) they are processed by the redirection software 130. The redirection software 130 is preferably operating either within the desktop system 120 or as part of the network server 225. The redirector software 130 determines the best communication path for reaching a particular user associated with an incoming data item and then routes the data item 95 over the best communication path. This determination step can take many forms. In a preferred form, the redirector software 130 maintains a database entry for each mobile device 100 indicating whether the mobile device 100 is currently in the vicinity of an interface cradle 110 having an RF wireless interface, and the network address of that interface cradle 110. If a particular mobile device is within the vicinity of such an interface cradle 110, then the redirector 130 processes and transmits the data item 95 over the LAN (in the example of FIG. 2) or directly to the cradle 110 (in the example of FIG. 1), which then transmits the data item 95 over its short-range RF link to the mobile device 100. If, however, the mobile device 100 is not within the vicinity of any such interface cradle 110, then the redirector application 130 routes the data item over the long-range wireless network 135, 145, 150 to the mobile device 100.[29]

Determining whether a user device 100 (carried by a user) is close enough to a cradle 110 (short

range RF) to connect to the cradle 110 rather than through long-range wireless network 135, 145,

150; is quite different than monitoring "multiple associated devices of said plurality of

communications devices for inconsistencies in one or more, inconsistencies further being

indicated by a system user indicated as being at a communications device other than an

associated one, said identity context reminder service selectively providing a reminder to

respective communications device of said plurality of communications devices responsive to an

inconsistency.[30]"

Therefore, because each of Murray, Koskinen et al. and Mousseau et al., as set forth

hereinabove, fails to teach the recited features that each is asserted to teach; because, "anyone of

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[29] *Id*, col. 6, lines 16 – 39.

[30] Claim 1; *and see*, claims 12, 16, 20 and 24.

the devices[31]" actually refers to all of the devices monitored by the Koskinen et al. system; and because, even if Mousseau et al. teaches what it is asserted that Mousseau et al. teaches, the assertion is not that Mousseau et al. teaches "inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one[32];" combining Murray, Koskinen et al. and Mousseau et al. fails to result in, and does not teach or suggest or make obvious the present invention, as recited in claims 1, 12, 16, 20 and 24 or in any claim depending therefrom.

Therefore, because when "an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious[33]," the combination of Murray, Koskinen et al. and Mousseau et al., fails to teach, suggest, result or in the present invention as recited by claims 2, 4 – 11, 14, 15, 17, 18, 21, 22 and 26, which depend from claims 1, 12, 16, 20 and 24. Therefore, appellant respectfully requests reversal of the rejection of claims 1, 2, 4 – 12, 14 – 18, 20 – 22, 24 and 26 under 35 U.S.C. §103 and allowance of the claims to issue.

Claim 3, 13, 19, 23 and 25

Neither does Titmuss teach anything to overcome the shortfall of the combination of Murray, Koskinen et al. and Mousseau et al. to result in the present invention as recited claims 1, 12, 16, 20 and 24 from which claims 3, 13, 19, 23 and 25 depend.

The Rejection asserts that "Titmuss teaches a telecommunications network that routes signals to the location of a user (Abstract) that includes the ability to locate a particular user based on when the **user logs onto a computer**. (Col. 2 lines 45-52)[34]." In point of fact what Titmuss describes here is associating a telephone with a computer and when a user logs on to that computer, routing calls to the associated telephone. Be that as it may, even accepting

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[31] *Supra.*

[32] *Supra.*

[33] *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

[34] Rejection, #7, page 15.

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arguendo that Titmuss teaches what it is asserted to teach, the Rejection does not assert that Titmuss teaches what the Rejection acknowledges that Murray, Koskinen et al. and Mousseau et al. fail to teach, i.e., "explicitly reciting the inconsistencies include a system user logging on to a computer at a location other than a currently expected location.[35]"

Accordingly, Titmuss fails teach anything to overcome the above noted shortfall of the combination of Murray, Koskinen et al. and Mousseau et al. to result in the present invention as recited claim 1, 12, 16, 20 and 24 from which claims 3, 13, 19, 23 and 25 depend. Thus, claims 3, 13, 19, 23 and 25 are not made obvious by the combination of Murray, Koskinen et al. and Mousseau et al. in view of Titmuss, alone or in combination with any other reference of record. Therefore, appellant respectfully requests reversal of the rejection of claims 3, 13, 19, 23 and 25 under 35 U.S.C. §103(a).

CONCLUSION

Therefore, because each of Murray, Koskinen et al. and Mousseau et al., as set forth hereinabove, fails to teach the recited features that each is asserted to teach; because, "anyone of the devices[36]" actually refers to all of the devices monitored by the Koskinen et al. system; and because, even if Mousseau et al. teaches what it is asserted that Mousseau et al. teaches, the assertion is not that Mousseau et al. teaches "inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one[37];" Murray, Koskinen et al. and Mousseau et al. fail to teach the recited features each is asserted to teach and the present invention is not taught, suggested or made obvious by the combination of Murray, Koskinen et al. and Mousseau et al.

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[35] *Id*, pages 14 and 15.
[36] *Supra.*
[37] *Supra.*

Therefore, combining Murray, Koskinen et al. and Mousseau et al. fails to result in and does not suggest the present invention, as recited in claims 1, 2, 4 – 12, 14 – 18, 20 – 22, 24 and 26 and the combination does not make the present invention obvious under 35 U.S.C. §103.

Further, because Titmuss fails teach anything to overcome the shortfall of the combination of Murray, Koskinen et al. and Mousseau et al. to result in the present invention as recited claim 1, 12, 16, 20 and 24 from which claims 3, 13, 19, 23 and 25 depend; claims 3, 13, 19, 23 and 25 are not made obvious by the combination of Murray, Koskinen et al. and Mousseau et al. in view of Titmuss, alone or in combination with any other reference of record.

Appellant, therefore, respectfully requests reversal of the rejection of claims 1 – 26 under 35 U.S.C. §103 and allowance of the claim to issue.

Respectfully submitted,

Date: <u>Tuesday, December 21, 2010</u>

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CLAIMS APPENDIX

A copy of the claims involved in the appeal is provided below.

1. A communications system comprising:

a plurality of communications devices communicating with each other over a network, wherein said network includes a telephone network and a local area network (LAN), a first group of said plurality of communications devices being connected to said LAN and a second group being connected to said telephone network;

a storage on said LAN storing location and presence information about system users, each of said plurality of communications devices being identifiable with at least one system user, and wherein ones of said system users are associated with more than one of said plurality of communications devices; and

an identity context reminder service monitoring said plurality of communications devices for current location and presence status for associated users and comparing said current location and presence status for inconsistencies with an expected location and presence for said associated users from stored said location and presence information wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more, inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one, said identity context reminder service selectively providing a reminder to respective communications device of said plurality of communications devices responsive to an inconsistency.

2. A communications system as in claim 1, further comprising a presence service receiving current presence status for said associated users from said plurality of communications devices and providing received said current presence status to said identity context reminder service.

3. A communications system as in claim 2, wherein inconsistencies further include a system user logging on to a computer at a location other than a currently expected location and at least one

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said reminder indicates that a user associated with said respective communications device is at a location other than a previously scheduled expected location for said associated user.

4. A communications system as in claim 1, further comprising a location service receiving current location status for said associated users from said plurality of communications devices and providing received said current location status for said associated users to said identity context reminder service.

5. A communications system as in claim 4, wherein at least one said reminder indicates that an associated user identified to said respective communications device is at a location other than an expected location for said associated user.

6. A communications system as in claim 1, wherein said communications system further comprises a notification service, said identity context reminder service identifying a selected one of said plurality of communications devices and said notification service providing said reminder to said selected one.

7. A communications system as in claim 6, wherein said notification service is a text based messaging service.

8. A communications system as in claim 7, wherein said text based messaging service is selected from the group consisting of e-mail, instant messaging and short message service (SMS).

9. A communications system as in claim 1, further comprising an identity context reminder client on at least one communications device of said plurality of communications devices, said identity context reminder client facilitating managing identity context reminder notifications from said at least one communications device.

10. A communications system as in claim 1, wherein said telephone network comprises a cellular phone network and the plain old telephone network (POTS) and said at least one of said communications devices comprises a mobile station (MS) in a cellular phone network.

11. A communications system as in claim 1, wherein said identity content service is located on a server with said storage, and said communications system further comprises a rules based engine on said server monitoring said current location and presence status on said plurality of communications devices for said system users and providing said identity context reminder service.

12. A method of maintaining location and presence status current in a communications system including a plurality of communications devices networked together, said method comprising the steps of:

    a)   storing location and presence information for a user identified with one or more communications devices, one or more said user being associated with more than one of said plurality of communications devices, at least one of said plurality of communications devices being connected to a Local Area Network (LAN) and at least one other of said plurality of communications devices being connected to a telephone network connected to said LAN;

    b)   monitoring said plurality of communications devices for current location and presence status for system users, wherein for each said one or more user said identity context reminder service monitors multiple associated devices of said plurality of communications devices for current location and presence status for said each one or more user;

    c)   comparing said current location and presence status to stored said location and presence information to identify inconsistencies for said system users, inconsistencies including a system user indicated as being at a communications device other than an associated one; and

    d)   sending a notification to an identified user at a corresponding one of said one or more communications devices.

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13. A method as in claim 12, wherein inconsistencies further include a system user logging on to a computer at a location other than a currently expected location and said notification is provided as a text message displayed by at least one of said one or more communications devices.

14. A method as in claim 12, further comprising the step of:
      e)   updating stored said location and presence information.

15. A method as in claim 14, wherein said one or more communications devices is a plurality of communications devices, each connected to one of said telephone network and said LAN and identified with a particular communications system user, said stored location and presence information for said particular communications system user being updated and managed from said one or more communications devices.

16. A computer program product, when provided to and executed by a processor, sharing user location and presence status amongst a plurality of users identified with communications devices networked together in a communications system, said computer program product comprising a non-transitory computer usable medium having computer readable program code stored thereon, said computer readable program code comprising:
      computer program code means for storing user location and presence information;
      computer program code means for monitoring a plurality of communications devices each connected to one of said telephone network and Local Area Network (LAN) and associated with a user for current location and presence status for associated users, one or more said associated user being associated with more than one of said plurality of communications devices, wherein for each said one or more user multiple associated devices of said plurality of communications devices are monitored for current location and presence status for said each one or more user;
      computer program code means for identifying inconsistencies between stored said user location and presence information and said current location and presence status of a system user; and

computer program code means for providing notification of an identified inconsistency to a corresponding communications device associated with said user, inconsistencies including a system user indicated as being at a communications device other than an associated one.

17. A computer program product as in claim 16, wherein said computer program code means for providing notification comprises computer program code means for sending text messages to selected ones of said plurality of communications devices.

18. A computer program product as in claim 17, wherein said text messages comprise e-mail, instant messages and short message service (SMS) messages.

19. A computer program product as in claim 16, wherein inconsistencies further include a system user logging on to a computer at a location other than a currently expected location and said computer program product further comprising computer program code means for receiving location and presence updates from ones of said plurality of communications devices.

20. A computer program product, when provided to and executed by a processor, managing location and presence information for users associated with one or more respective communications device amongst a plurality of communications devices networked together in a communications system, said computer program product comprising a non-transitory computer usable medium having computer readable program code stored thereon, said computer readable program code comprising:

computer program code means for providing current user location and presence status to a location context reminder service,

wherein ones of said users are associated with more than one of said plurality of communications devices,

each communications device provides device location and indicates user presence as current user location and presence status to said communications system, and

for each of said ones multiple associated devices of said plurality of communications devices each provides current device location and indicates user presence to said identity context reminder service;

computer program code means for indicating receipt of reminders, received said reminders indicating inconsistencies between expected current said user location and presence information and actual current said user location and presence status, wherein for said each of said ones inconsistencies are in one or more of said multiple associated devices and include a system user being indicated at a communications device other than an associated device; and

computer program code means for providing user location and presence information updates to said location context reminder service.

21. A computer program product as in claim 20, wherein said computer program code means for indicating reminders comprises computer program code means for text messaging.

22. A computer program product as in claim 21, wherein said computer program code means for text messaging is selected from a group consisting of:

computer program code means for sending and receiving e-mail;

computer program code means for instant messaging; and

computer program code means for sending and receiving short message service (SMS) messages.

23. A computer program product as in claim 22, wherein inconsistencies further include a system user logging on to a computer at a location other than a currently expected location and said computer program code means for indicating reminders selects said computer program code means for text messaging from said group.

24. A non-transitory computer-readable medium having stored thereon a plurality of instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to:

       a)   store location and presence information for a user identified with one or more communications devices, one or more said user being associated with more than one communications devices of said one or more communications devices;

       b)   monitor said one or more communications devices for current location and presence status for associated users, wherein said more than one communications devices are monitored for each of said one or more associated users, at least one of said plurality of communications devices being connected to a Local Area Network (LAN) and at least one other of said plurality of communications devices being connected to a telephone network connected to said LAN;

       c)   compare said current location and presence status for each identified user to said stored said location and presence information for said each identified user to identify inconsistencies, inconsistencies including a system user indicated as being at a communications device other than an associated one; and

       d)   send a notification to a corresponding identified user at one of said one or more communications devices.

25. A non-transitory computer-readable medium as in claim 24, wherein inconsistencies further include a system user logging on to a computer at a location other than a currently expected location and said notification is provided as a text message displayed by at least one of said one or more communications devices.

26. A non-transitory computer-readable medium as in claim 24, the plurality of instructions further comprising the step of:

       e)   updating stored said location and presence information for said each associated user.

EVIDENCE APPENDIX

This section lists evidence submitted pursuant to 35 U.S.C. §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this appeal, and provides for each piece of evidence a brief statement setting forth where in the record that evidence was entered by the Examiner. Copies of each piece of evidence are provided as required by 35 U.S.C. §41.37(c)(ix).

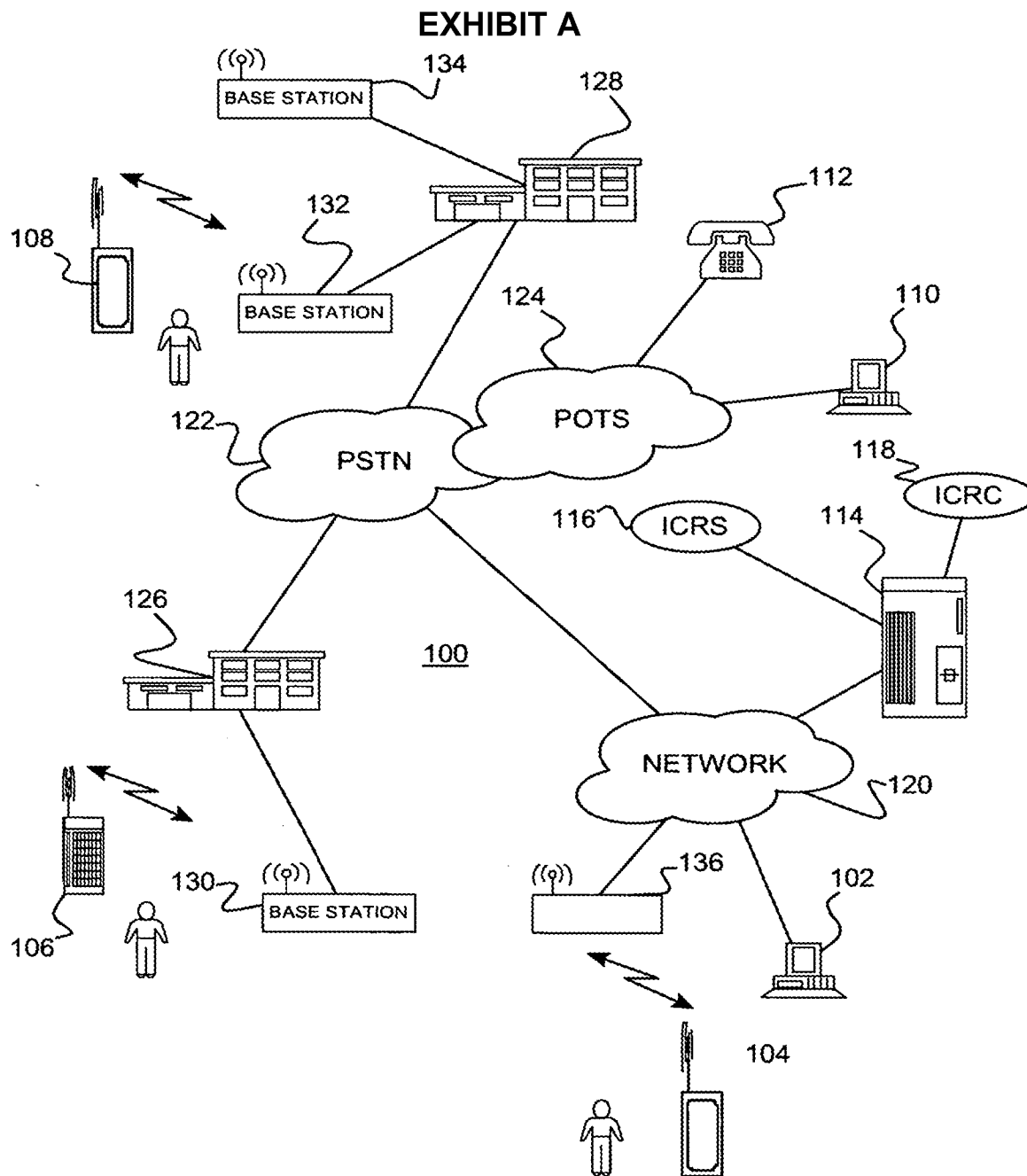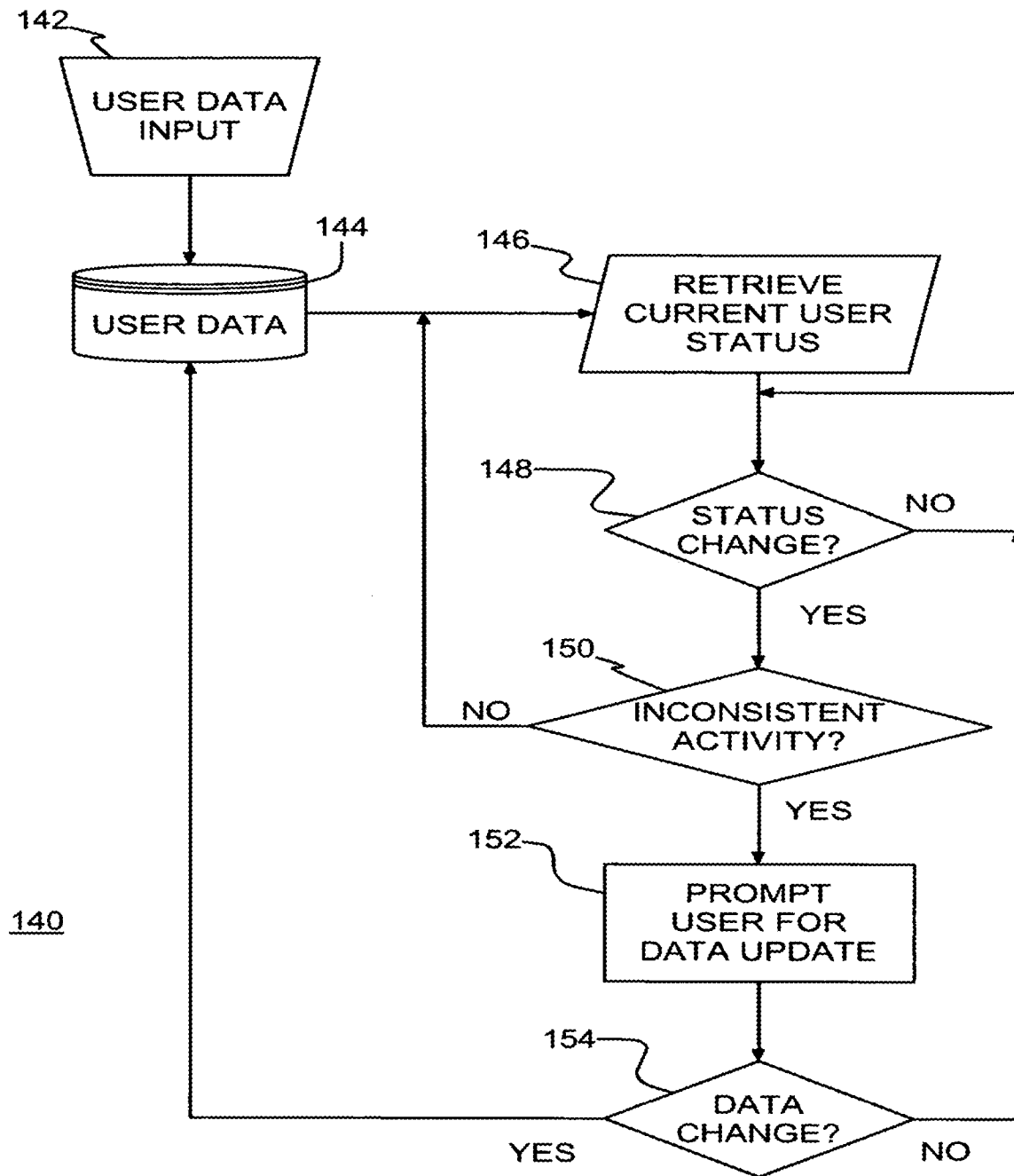| Exhibit	EVIDENCE	BRIEF STATEMENT SETTING FORTH WHERE IN THE RECORD THE EVIDENCE WAS ENTERED BY THE EXAMINER
A	Application Figure 1	Originally filed with the application on March 30, 2004
B	Application Figure 2	Originally filed with the application on March 30, 2004
C	Murray Figure 2	Originally cited in an Office Action mailed August 28, 2006
D	Murray Figure 3	Originally cited in an Office Action mailed August 28, 2006
E	Koskinen et al. Figure 1	Originally cited in a Final Office Action mailed March 17, 2008
F	Koskinen et al Figure 3	Originally cited in a Final Office Action mailed March 17, 2008
G	Mousseau et al Figure 1	Originally cited in an Office Action mailed July 29, 2010
H	Mousseau et al Figure 2	Originally cited in an Office Action mailed July 29, 2010
I		
J		
K		
L		
M		
N		

EXHIBIT A

FIG. 1

EXHIBIT B

Fig. 2

EXHIBIT C
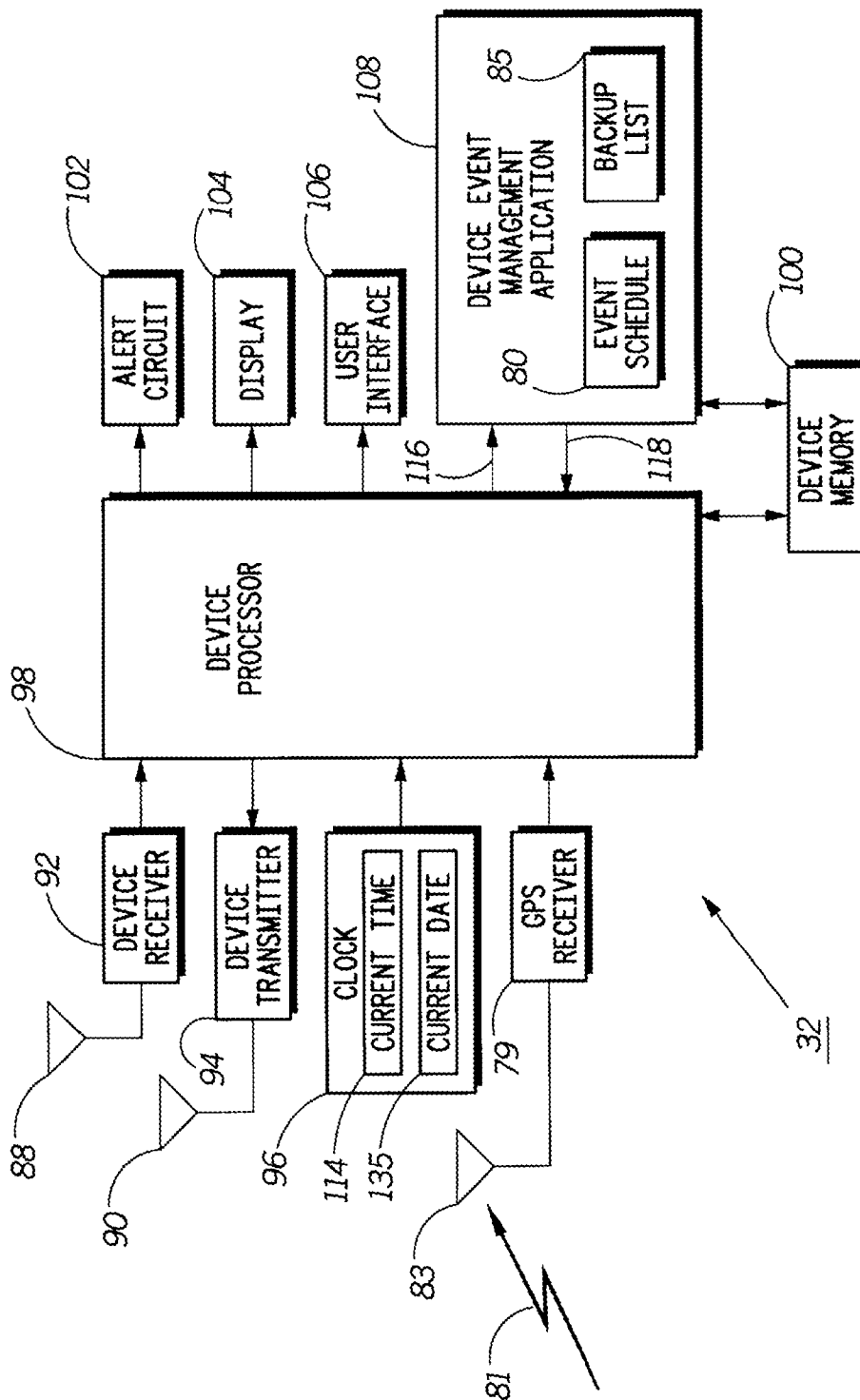
FIG. 2

EXHIBIT D
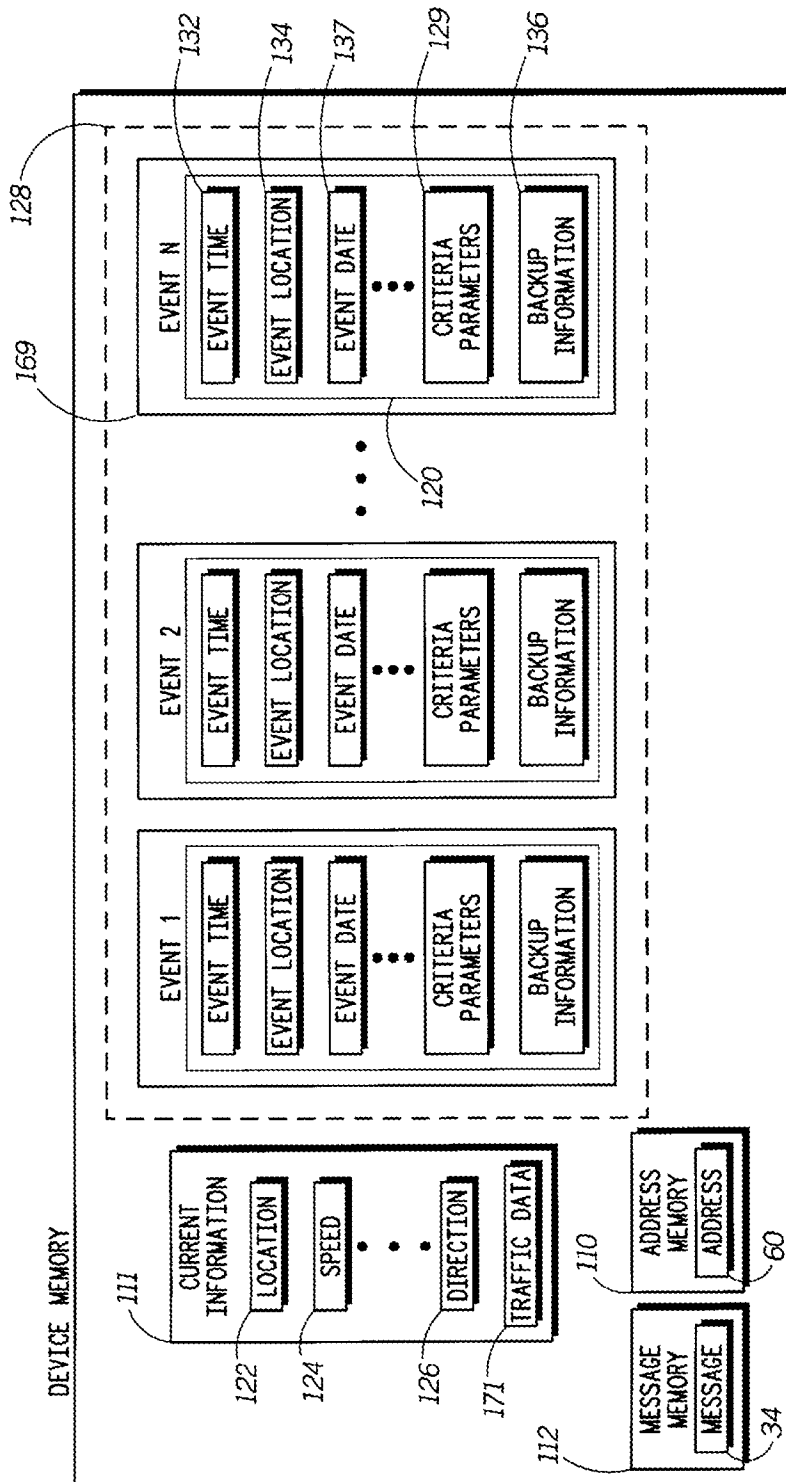
FIG. 3
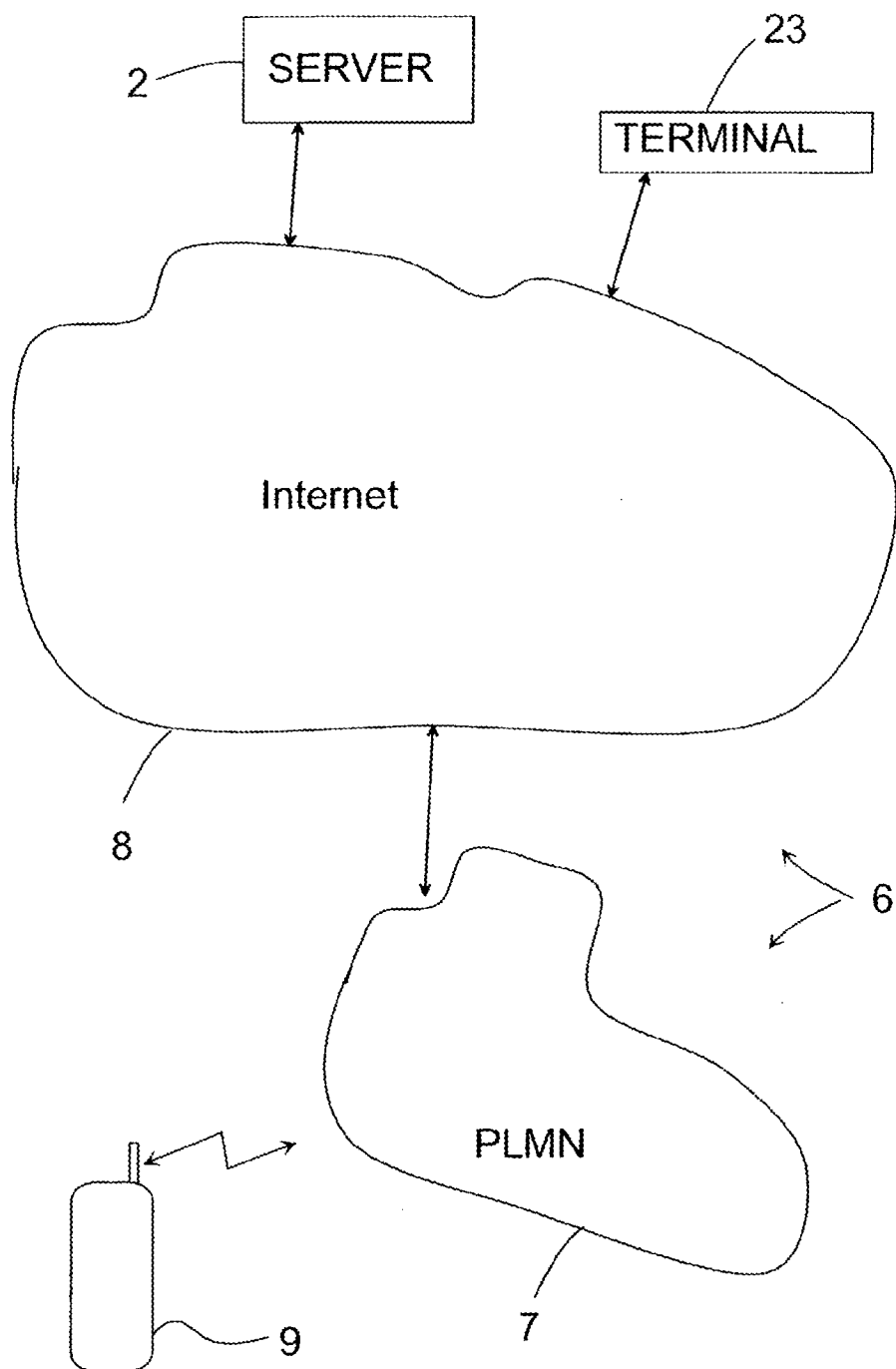
EXHIBIT E
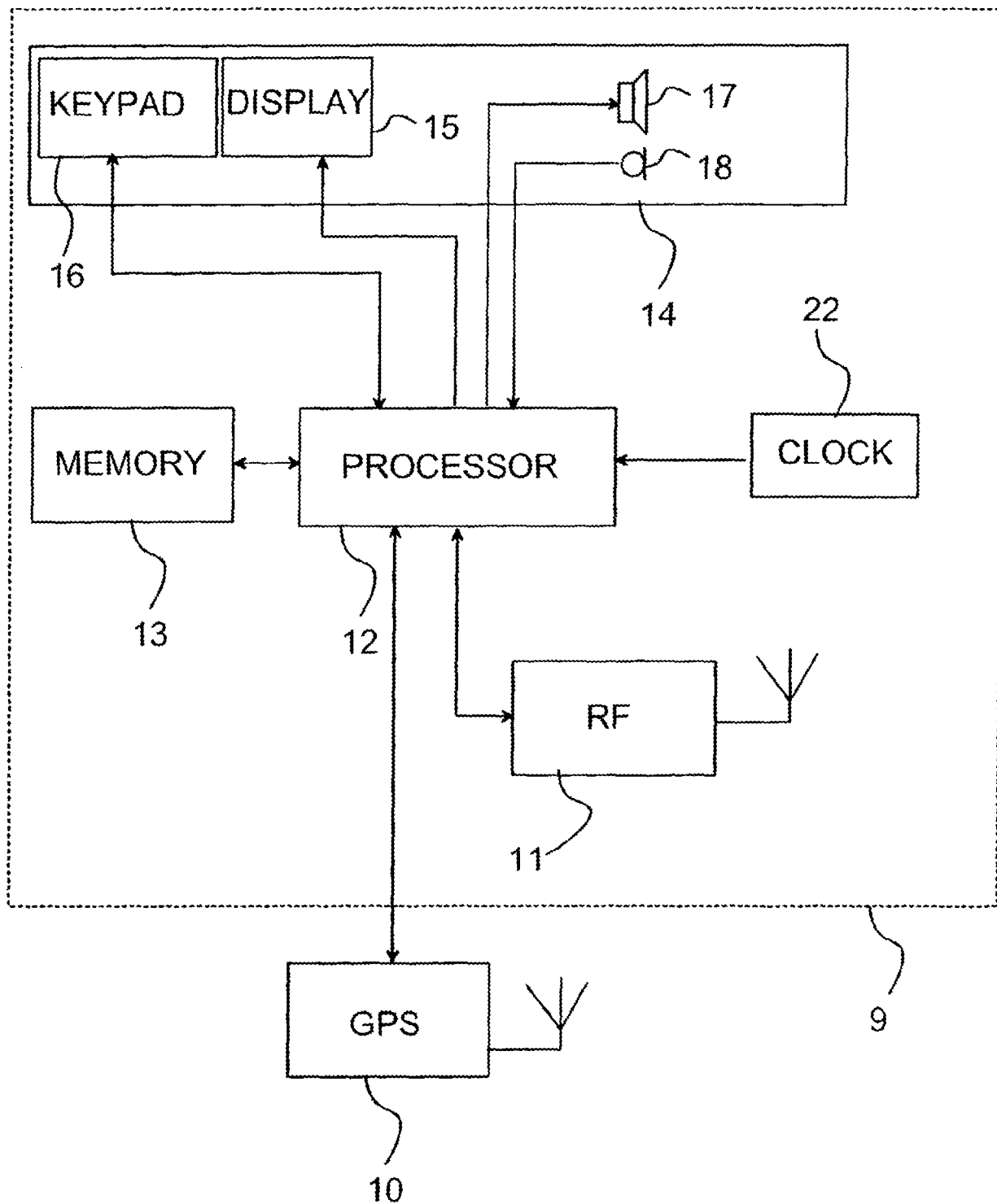

Fig. 1

EXHIBIT F
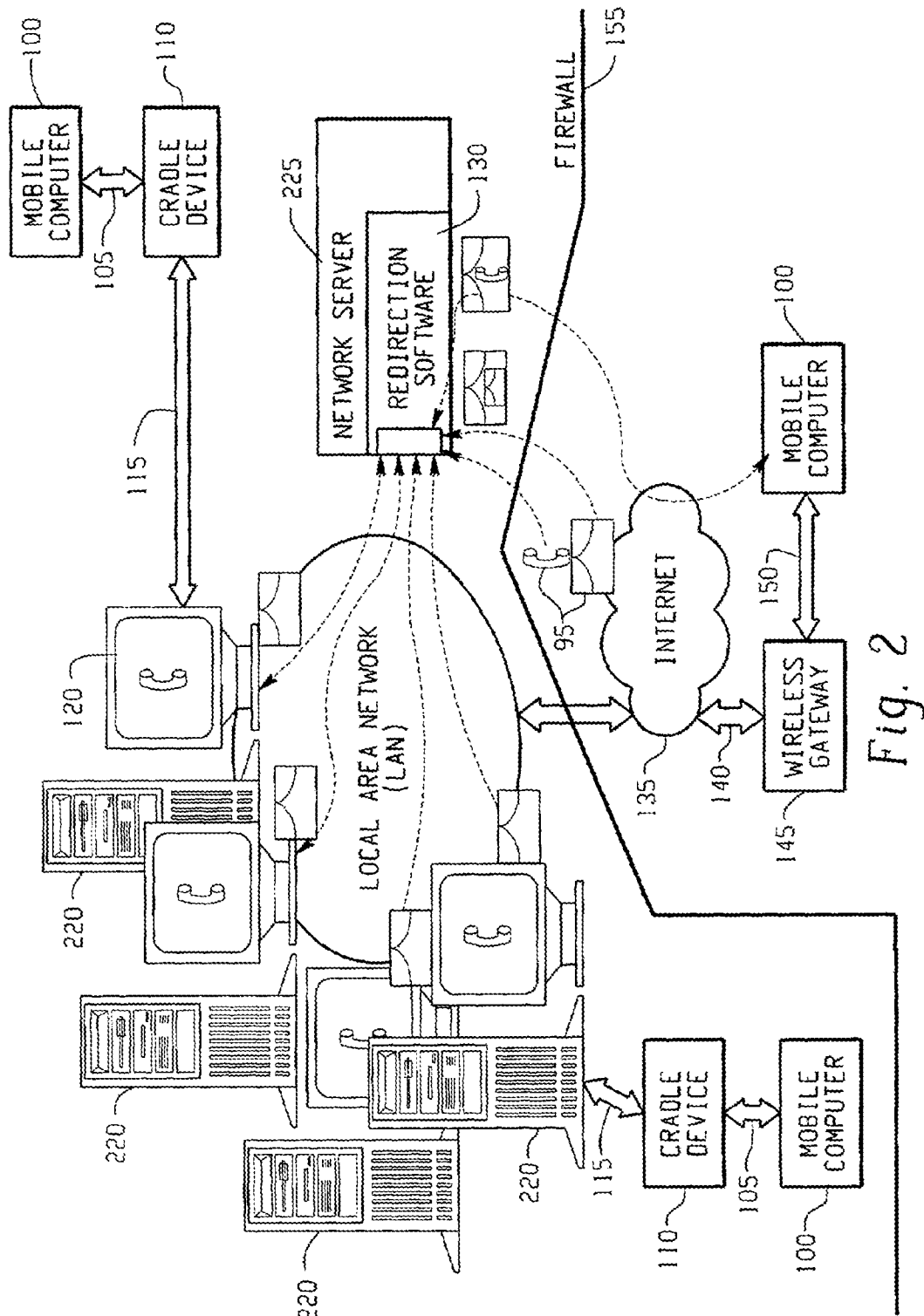
EXHIBIT G

Fig. 1

EXHIBIT H

Fig. 2

RELATED PROCEEDINGS APPENDIX

Pursuant to 35 U.S.C. §41.37(c)(x), copies of the following decisions rendered by a court of the Board in any proceeding identified above under 35 U.S.C. §41.37(c)(1)(ii) are enclosed herewith. As appellant is aware no decisions or proceedings having a bearing on the present appeal, nothing is included in the Appendix.